

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested. Claims 1-13 are pending, Claims 1-6, and 8-12 having been amended and Claim 13 added by way of the present amendment. Claim 13 finds support in original Claim 12 and therefore no new matter is added.

In the outstanding Office Action, the Abstract, Title and selected passages in the specification were objected to; the dependencies of Claims 3, 5 and 8-12 were objected to; Claims 1-3, 5-6, 8-10 and 12 were rejected as being anticipated by Tanaka et al. (U.S. Patent No. 6,671,509, hereinafter Tanaka); Claim 4 was rejected as being unpatentable over Tanaka and in further view of Cho et al. (U.S. Patent No. 5,864,300, hereinafter Cho); and Claims 7 and 11 were rejected as being unpatentable over Tanaka and in further view of Cho.

In reply, the Abstract has been amended as requested. Similarly, the title has been amended, as well as the proposed changes to the specification.

The dependencies of Claims 3, 5, and 8-12 have been amended, consistent with U.S. practice.

Independent Claim 1, as amended, is directed to a radio communication method of communication between two radio stations. The method includes a step of mutually exchanging information about one or more communication methods with which each radio station is equipped according to a first radio communication method. The method also includes a step of identifying, based on the information about the one or more radio communication methods, one of the two radio stations that is not equipped with software of the second radio communication method. The process also includes a step of transmitting the software of the second radio communication method to the one of the two radio stations identified by the identifying step from another one of the two radio stations.

An advantage with the present invention is that when one of the two radio stations is not equipped with the appropriate software for performing a relevant radio communication method, and the absence of the software is identified, the appropriate software is transferred to the lacking radio station from the other radio station. Moreover, this allows for either a base station that is not equipped with the software, or the mobile station that is not equipped with the software to conduct communications using the new communication method, by receiving the software from its associated radio station.

In contrast, Tanaka is directed to a base station that transmits system software to a mobile communication unit via radio, and the mobile communication unit performs radio processing according to the system software received via the radio signal. This allows for the mobile communication unit to adapt to different communication systems while using common hardware resources. However, when a mobile terminal that has not downloaded new radio communication system software via the Internet or the like, attempts to communicate with the base station by using this radio communication system, the base station may not be equipped with this radio communication system software. In such a situation, Tanaka's configuration fails to obtain communication between the base station and the mobile terminal.

Comparing amended Claim 1 with Tanaka, amended Claim 1 requires a step of identifying, based on the information about the one or more radio communication methods, one of the two radio stations that is not equipped with software of the second radio communication method. However, communication software is always transmitted from a base station to a mobile station, and not vice versa. Therefore, there is no teaching or suggestion of the claimed "identifying" step. As a consequence, Tanaka does not have the agility to reconfigure either the base station or the mobile station in order to accommodate a second radio communication method.

The present invention identifies and addresses this deficiency because it does not matter which one of the two radio stations is a base station and which is a mobile station. Consequently it is respectfully submitted that amended Claim 1 patentably defines over the asserted prior art. Although of different statutory class and/or scope, it is respectfully submitted that dependent Claims 2-3 and 5 patentably define over the asserted prior art. For substantially the same reasons, it is respectfully submitted that Claims 6, 8-10 and 12 also patentably define over Tanaka.

Claim 4 is rejected as being unpatentable over Tanaka in view of Cho. Cho is asserted for its disclosure of a radio station of a local site that acquires the software of the second radio communication method transferred from the radio station to communicate with, when the radio station of the local site determines that only the radio station to communicate with is equipped with the second radio communication method. However, assuming *arguendo* that Cho does describe this feature, this feature does not cure the deficiencies with regard to Claim 1 above regarding the “identifying” of one of the two radio stations that is not equipped with software of the second radio communication method. Accordingly, it is respectfully submitted that Claim 4 patentably defines over Tanaka in view of Cho. Likewise, it is respectfully submitted that Claims 7 and 11 patentably define over Tanaka in view of Cho for substantially the same reasons as discussed above with regard to Claim 4.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-13, as amended, is patentably distinguishing over the prior art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully submitted,

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